

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JOSEPH JACKSON, 05-B-1287

Plaintiff,

v.

**DECISION AND ORDER**  
16-CV-1041-A

M. STACK,

Defendant.

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This *pro se* prisoner's civil rights action was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1). On November 20, 2018, Magistrate Judge Scott filed a Report and Recommendation (Dkt. No. 38), recommending that plaintiff's motion for summary judgment (Dkt. No. 16) be denied without prejudice and that defendant's motion to revoke plaintiff's *in forma pauperis* status (Dkt. No. 22) be denied as moot.

Upon review of the Report and Recommendation, it is hereby

**ORDERED**, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, plaintiff's motion for summary judgment is denied and defendant's motion to revoke plaintiff's *in forma pauperis* status is denied as moot. The case remains referred to Magistrate Judge Hugh B. Scott. Dkt. No. 9.

**SO ORDERED.**

*s/Richard J. Arcara*

HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: March 19, 2019